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OFFICE OF PETITIONS

In re Application of
Hubbell, et al. : DECISION ON APPLICATION
Application No. 09/586,937 : FOR PATENT TERM ADJUSTMENT
Filed: June 2, 2000 :
Attorney Docket No. 50154/003001 :

This decision is in response to the "APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705(b)," filed January 5, 2005.¹ Applicants requests that the patent term adjustment (PTA) history in Office records be corrected from three hundred sixty-six (366) days of applicant delay to two hundred ninety-seven (297) days.

The petition for correction of the PTA history is **GRANTED**.

The Office has updated the PAIR screen to reflect that the correct Patent Term Adjustment determination at the time of the mailing of the Notice of Allowance is **zero (0) days, including two hundred ninety-seven (297) days of applicant delay**. A copy of the updated PAIR screen, showing the correct determination, is enclosed.

¹ This application for patent term adjustment was timely filed, as it was filed after the mailing of the Notice of Allowance and together with the payment of the issue fee.

On October 1, 2004, the Office mailed the Determination of Patent Term Adjustment under 35 U.S.C. §154(b) in the above-identified application. The Notice stated that the patent term adjustment to date is zero (0) days.

The Office initially determined a patent term adjustment of zero (0) days, including applicant delays of one hundred four (104), ninety-two (92), ninety-eight (98), sixty-eight (68), and four (4) days, all pursuant to 35 U.S.C. 154(b)(2)(C)(ii) and 37 C.F.R. § 1.704(b). The applicant delays of 92, 98, 68, and 4 days have been reviewed and found to be correct. The applicant delay of 104 days is at issue.

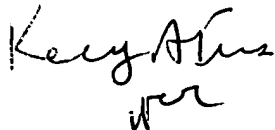
The applicant delay of 104 days has been found to be incorrect. The PTO mailed a Notice to File Missing Parts on August 28, 2000. A review of the application file reveals that applicants filed a complete reply in response to the notice on January 2, 2001. Accordingly, Applicant delay should have been assessed as thirty five (35) days, not 104 days.

In view thereof, the correct determination of PTA at the time of the mailing of the Notice of Allowance is **zero (0) days, including two hundred ninety-seven (297) days of applicant delay.**

The Office acknowledges submission of the \$200.00 fee set forth in 37 C.F.R. § 1.18(e).

The application file is being forwarded to the Office of Patent Publication for processing into a patent.

Telephone inquiries specific to this letter should be directed to Cliff Congo, Petitions Attorney, at (571)272-3207.



Karin Ferriter
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Office of Patent Legal Administration
Office of Deputy Commissioner
for Patent Examination Policy

Enclosure: Copy of adjusted PAIR calculation